

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES )  
                  )  
                  )  
v.               )  
                  )  
NOEL HERNANDEZ )  
                  )  
                  )

CASE NO. 04CR10319WGY

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**DEFENDANT'S REQUEST FOR QUESTIONS TO  
PROSPECTIVE JURORS ON VOIR DIRE EXAMINATION**

NOW COMES the Defendant, Noel Hernandez, through counsel, and respectfully requests this Honorable Court to ask the following questions to the prospective jurors on voir dire examination and obtain information sought by such questions. The Court is requested to pursue a more detailed questioning if a particular juror's answer reveals that further inquiry is appropriate. A limited number of requested questions would require individual voir dire. This request is made so that the Defendant and his attorney may consider the information obtained when making challenges for cause and peremptory strikes in the selection of the jury to serve in this case:

**Individual Voir Dire**

1.     What do you do for a living?
2.     What are your main job responsibilities?
3.     What kind of work have you done in the past?
4.     How far did you go in school?
- 4a.    If you attended college, what school and what degrees did you receive? What was your major?
5.     Where were you born?
6.     How long have you lived in Massachusetts?

7. Are you married or have you ever been married?
8. What does your spouse or prior spouse do for a living?
9. What is his/her main job responsibility?
10. What kind of work has your spouse done in the past?
11. How far did your spouse go in school? If he/she attended college, where, what, and what degrees did he/she receive?

**General Voir Dire**

12. Have any of you ever worked for any law enforcement agency? (Police department, Sheriff's department, F.B.I., I.R.S., Drug Enforcement Agency, Customs, Bureau of Alcohol, Tobacco and Firearms, U.S. Marshals, District Attorney, U.S. Attorney, Probation Department, Prison Bureau, or any other law related agency.)
  - 12a. If yes, which one and what was your job?
13. Have any of you ever wanted to go into law enforcement?
14. Has your spouse, any family member or friend ever been involved in law enforcement? If yes, what agency and what did they do for that agency?
15. Who has ever done any volunteer work for any law enforcement agency?
16. Has anyone ever worked on a campaign for a person running for any law enforcement job?
17. Do any of you know any judges, lawyers or prosecutors? If yes, who and how do you know them?
18. Have any of you ever served on a jury? If yes, what kind of case was it and did you reach a verdict?
19. Have any of you ever been in court before? If yes, under what circumstances?

20. Have you ever been in this federal courthouse or any United States Courthouse before, known any Federal Judges or ever been involved in a case with a United States Attorney's Office?
21. Do any of you or any family member of yours know anyone who works in any U.S. Attorney's Office or ever worked in any U.S. Attorney's Office?
22. Have any of you ever been a witness in a lawsuit?
23. Have any of you ever testified for the prosecution in a case?
24. Have any of you or any family member of yours ever been injured on the job or unemployed?
25. Have any of you or any family member of yours ever had your home searched by local, state or federal law enforcement officers? If yes, please explain.
26. Have any of you, any family member or close friend of yours been the victim of a crime? If so, where and when and what type of crime?
27. Have any of you or any family member of yours ever served on a Grand Jury? If yes, where and when?
28. Do any of you have a friend that has ever served on a Grand Jury?
29. Do any of you think someone should be convicted because of suspicion or conjecture?
30. Read witness list. Have you ever heard if any of the witnesses or known anyone who knows them or any family member of theirs?
31. Who believes the Government should use informants? Why?
32. Does anyone disagree with the law that provides all the elements of the crimes charges must be proven beyond a reasonable doubt, and that if one element is not so proven, you must vote not guilty?

33. Does anyone disagree with the law that the burden of proving an accused guilty beyond a reasonable doubt rests with the Government, and that the accused need not introduce any evidence whatsoever?
34. Does anyone have any problem with carefully following the Court's instruction as to what the law is in this case?
35. Who believes that someone can be present at the scene of a crime and not necessarily be guilty of a crime?
36. The accused has constitutional rights not to testify. Does anyone feel that if an accused does not testify, he must be hiding something and they would expect him to testify.
37. Are each of you willing, without doubt, to give the accused, without reservation or qualifications, the benefit of the presumption of innocence?
38. Have any of you ever read about this case in any newspaper, magazine or any other periodical? Have you ever heard about this case on T.V. or radio?
39. Have you ever discussed this case with anyone or ever heard any discussion concerning this case?
40. Is there anything about the nature of the charges contained in the indictment which would prevent you from considering this case fairly and impartially?
41. Does anyone know of any reason they could not sit as an impartial juror?
42. Would you tend to believe the testimony of a law enforcement officer simply because he or she is a law enforcement officer?
43. Would you tend to disbelieve a law enforcement officer simply because he or she is a law enforcement officer?
44. Have you or your family or any friend suffered from an addiction to drugs.
45. Have you or your family or any friend ever been treated for substance abuse.

46. Do you belong to any group, which advocates against substance abuse addiction, or illegal drug dealing?
47. Do you belong to any group that advocates tougher penalties for drug dealers or users?
48. Do you belong to Narcotics Anonymous?
49. Have you ever seen the movie Maria Full of Grace?
50. Does the fact that there may be evidence in this case of threats of violence and/or drugs effect your ability to decide the case fairly and impartially?

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I, Peter Charles Horstmann, hereby certify that on this 29th day of June, 2005, a copy of the foregoing DEFENDANT'S REQUEST FOR QUESTIONS TO PROSPECTIVE JURORS ON VOIR DIRE EXAMINATION was electronically served by first class mail upon Nancy Rue and David Tobin, Assistant United States Attorneys, United States Attorney's Office, One Courthouse Way, Boston, MA 02210.



Peter Charles Horstmann, Esquire